

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH PATRICK,

Plaintiff,

CIVIL CASE NO. 06-14471

v.

COMMISSIONER OF SOCIAL SECURITY,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

Defendant.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court is Defendant's Motion to Dismiss and Magistrate Judge Steven D. Pepe's November 5, 2007, Report and Recommendation. Magistrate Judge Pepe's Report and Recommendation recommends that the Court grant Defendant's Motion to Dismiss. The Report and the Recommendation also notified the parties that any objections must be filed within ten days of service of the Report and Recommendation. No party has filed objections.

The Court's standard of review for a magistrate judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Pepe's Report and Recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R.

Civ. P. 6(e), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry #8] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss [docket entry #3] is **GRANTED**.

SO ORDERED.

Dated: January 17, 2008

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on January 17, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:
Janet L. Parker; Kenneth D. Clayton; Commissioner of Social Security, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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